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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,987	02/20/2004	Brig Vanderwoude	BucketUtL	7136
42811	7590	06/01/2006	EXAMINER	
KAJANE MCMANUS MCMANUS AND ASSOCIATES 1505 ASHLEY COURT WOODSTOCK, IL 60098			HECKENBERG JR, DONALD H	
			ART UNIT	PAPER NUMBER
			1722	

DATE MAILED: 06/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/782,987

Applicant(s)

VANDERWOUDE ET AL.

Examiner

Donald Heckenberg

Art Unit

1722

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) 2 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 is/are allowed.
- 6) ☒ Claim(s) 3 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-3 are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

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1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1 and 3, drawn to an apparatus for use in creating a family of elevator buckets, classified in class 425, subclass 192 R.

II. Claim 2, drawn to a method for creating a family of elevator buckets, classified in class 264, subclass 328.1.

2. The inventions are distinct, each from the other because of the following reasons:

Inventions Group II and Group I are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another and materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. MPEP § 806.05(e). In this case the apparatus as claimed can be used to practice another and materially different process such as a process wherein the mold is only used once, rather than in repeated steps thereby creating further buckets.

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3. Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

4. During a telephone conversation between Examiner Monica Huson and Kajane McManus on 06 April 2006 a provisional election was made with traverse to prosecute the invention of Group I, claims 1 and 3. Affirmation of this election must be made by applicant in replying to this Office Action. Claim 2 is withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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6. The first line of the specification needs to be updated to reflect that the parent application has issued as U.S. Des. Pat. No. 496,052.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claim 3 defines a common core to which both the core inserts and the cavity inserts are described as "engaged." Within the claim (as well as the disclosure) of the instant application, term "engaged" appears to be synonymous with "contacting." The disclosure of the application, however, does not appear to define a core to which both the core and cavity inserts are engaged. For example, as shown in Fig. 1, two cores 44 and 72 are present, with the core inserts 78 engaged/contacting one of the cores 82, and the cavity inserts 54 engaged/contacting the other of the cores 44. None of the

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inserts, however, contacts both of the cores. As such, claim 3 appears to describe an indefinite structure which one of ordinary skill in the art would not be able to discern the scope based on the disclosure of the application. Appropriate clarification and/or correction is required.

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claim 3 is rejected under 35 U.S.C. 102(b) as being anticipated by Von Holdt, Sr. (U.S. Pat. No. 5,262,116).

Von Holdt discloses a molding system for making things such as thin walled containers (cl. 1, ll. 6-20). In the embodiment depicted in Figures 6 and 7, the system includes a common core structures (64 and 66), as well as further core structures (50 and 58), to which inserts (54, 54a, 62, 62a) can be engaged and/or attached. Some of the inserts (54, 54a) form an inner surface of the molded products, whereas the other inserts (62 and 62a) form the outer surface of the molded product. Von Holdt notes that different inserts may engage the cores, thus

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allowing of altered inner and outer dimensions of the molded products (see Figs. 6 and 7; cl. 6, l. 59 - cl. 7, l. 10).

11. Claim 1 is allowed.

12. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record fails to teach or suggest an apparatus for use in creating a family of elevator bucket configurations as recited in claim 1 of the instant application. The closest prior art disclosed by Von Holdt is described above. While Von Holdt's system includes inserts and cores, the references does not disclose or suggest a plurality of pairs of surface inserts and a plurality of pairs of inner core inserts as recited in the combination of claim 1. Nor does Von Holdt's disclose or suggest the inserts to engage about and extend along the height of inner and outer cores as recited in the combination of claim 1.

13. The following references cited but not relied upon are deemed pertinent to the instant application:

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Darnell (U.S. Pat. No. 3,564,660) discloses an injection molding machine with interchangeable inserts.

Ciccone et al. (U.S. Pat. No. 2005/0266111) discloses an interchangeable mold insert system.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald Heckenberg whose telephone number is (571) 272-1131. The examiner can normally be reached on Monday through Friday from 9:30 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Yogendra Gupta, can be reached at (571) 272-1316. The official fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <<<http://pair-direct.uspto.gov>>>. Should you have questions

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on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at (866) 217-9197 (toll-free).



Donald Heckenberg
Primary Examiner
A.U. 1722

J-30-6